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In the United States District Court **FILED**  
For the Northern District of Alabama

2015 SEP 14 P 12:58

U.S. DISTRICT COURT  
N.D. OF ALABAMALeavert McKinney218159 (AIS)

CV-15-BE-1599-S

(Enter above the full name(s) of the  
plaintiff(s) in this action)

v

ORLANDA WALKERSergeant(Enter above full name(s) of the  
defendant(s) in this action)

## I. Previous lawsuits

A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved  
in this action or otherwise relating to your imprisonment? Yes ( ) No (✓)B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more  
than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same  
outline.)

## 1. Parties to this previous lawsuit

Plaintiff(s): NO

Defendant(s) \_\_\_\_\_

## 2. Court (if Federal Court, name the district; if State Court, name the county)

NA

## 3. Docket Number \_\_\_\_\_

## 4. Name of judge to whom case was assigned \_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

NA

6. Approximate date of filing lawsuit NA

7. Approximate date of disposition NA

II. Place of present confinement

A. Is there a prisoner grievance procedure in this institution?

Yes (✓) No ( )

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes (✓) No ( )

C. If your answer is YES:

1. What steps did you take? I filed out a use of force form, And A state ment.

2. What was the result? Nothing

D. If your answer is NO, explain why not?

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) Leavert McKinney

Address William E Donaldson Cor. FAC. 100 WARRIOR  
LANE Bessemer, AL 35203

In item B. below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

B. Defendant Leavert McKinney  
 is employed as Sergeant  
 at Bibb County Correctional FAC

C. Additional Defendants \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet, if necessary.

On May 30, 2015 while I (Leavert McKinney)  
was a Inmate at Bibb County I went to  
the health care for having a seizure.  
Sgt. Orlando Walker threw me out of the  
wheel chair and sprayed me several times,  
with MASE. He wrote me a Disciplinary for  
Failure to obey a direct order saying the  
plaintiff was pretending to have a seizure  
and he gave the plaintiff a order to get off  
the floor. The Plaintiff does has a history  
of having seizures and was not Pretending.  
This does violate The 8th Amendment of

The Plaintiff (Leavert McKinney) Cruel and unusual punishment. AT no time did A Doctor tell (Sgt. ORLANDA <sup>WALKER</sup>) (Leavert McKinney was pretending to have a seizure. There was no test done proving that the Plaintiff was pretending. This is ALSO A ASSAULT

V. RELIEF

State briefly *exactly* what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like FOR The courts to ORDER Sergeant ORLANDA WALKER if found Guilty (50,000) fifty Thousand dollars compensation This could have Killed the (Plaintiff) Leavert McKinney, FOR CRUEL and unusual Punishment, And ASSAULT, PAIN and SUFFERING.

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9-1-2015  
(date)

Leavert McKinney

ATs # 218159

Signature(s)

May. 6. 2010 12:12PM

DR GOFF

No. 3180 P. 2

Exhibit 4

## JOHN R. GOFF, Ph.D.

RIVERSIDE MEDICAL CENTER  
535 JACK WARNER PARKWAY N.E.  
SUITE A-2  
TUSCALOOSA, ALABAMA 35404

PHONE (205) 553-2851  
1-800-359-0245

FAX (205) 553-3067

## CONFIDENTIAL NEUROPSYCHOLOGICAL CONSULTATION

NAME: Leavert Kendrell McKinney  
CASE NUMBER: CC-2004-192-TSW  
SSN: 16  
DOB:  
DATES SEEN: 12 September 2009 and 29 April 2010  
REFERRED BY: John Paul Weber, Attorney at Law

This is a 28 year-old, married African American male from Tuscaloosa, Alabama who was seen for a neuropsychological consultation on a request from Mr. Weber, who is a Tuscaloosa attorney. This is a somewhat unusual situation for us. I was originally consulted in regard to this matter, which is a forensic issue, by Mr. Weber in regard to this man's neuropsychological status and the impact that his status might have upon his behavior. When I first saw him in September of 2009 he was incarcerated concerning charges of kidnapping and intimidating a witness. He also has been convicted apparently of a charge of theft of property. That has to do with an incident in which the defendant is said to have stolen a small street sweeper. Actually, all of the event descriptions I have involve these other charges, for which the defendant has apparently been found 'not guilty'. My understanding of the event in question however is that he had just had a disagreement with his wife. His wife says that he had some kind of a seizure episode. There was one of these small single seat street sweepers sitting in the parking lot of a convenience store with the keys in it. He apparently got in that vehicle and drove away. He was pursued by police officers. Apparently he got up on the expressway at one point and was eventually apprehended. Notably his mother says that he indicated that he did not have any recollection of the events in question.

I have a large number of records going back to his childhood. We have records from 1996 indicating that he had a seizure disorder at that time. There are other records from 1996 and 1997. He was seen by Dr. Todorov and by Dr. Syed. Dr. Syed is a pediatric neurologist here in Tuscaloosa. Originally Dr. Syed diagnosed him with an ADHD, but electroencephalographic studies indicated that he had a temporal lobe epilepsy. He was diagnosed with partial complex seizures and migraine headaches in 1995.

In August of 1996, he was at DCH with a diagnosis of situational disorder with severe depression and suicidal intention and suicidal thoughts. He was attended by Dr. Mohabbat. He was 14 years of age at the time. He had a seizure in the detention facility apparently. He had an abnormal EEG. There was a consultation from Dr. Ed Connor, a psychologist who was of my acquaintance. Dr. Connor diagnosed conduct disorder, dysthymia, marijuana abuse, alcohol abuse, malingering, and a seizure disorder. Apparently there was not any association made between the seizure disorder and his emotional condition at that time, though such associations have been made since then. Later Dr. Yankov saw this man in

*Clinical Neuropsychology  
Disorders of Learning and Behavior*

## DISCIPLINARY REPORT

403A Warden Decision

B3 22A  
INMATE COPY

Incident Report Number: BCCF-15-00928

1. Inmate: MCKINNEY, LEAVERT KENDREL Custody: MEDIUM

AIS: 00218159A

2. Institution: BIBB COUNTY CORRECTIONAL FAC.

Disc #: BCCF-15-00928-1

3. The above inmate is being charged by: WALKER, ORLANDA

with a violation of the following Rule(s):

925 - Failure to obey a direct order of an ADOC Employee

From Administrative Regulation #403, which occurred on or about:

May 30 2015 4:50PM at Health Care Unit

A hearing on this charge will be held after 24 hours from being served.

4. Circumstances of the violation(s) are as follows:

On 5/30/2015, Correctional Sergeant Orlanda Walker gave inmate Leavert McKinney B/218159 a direct order several times to get off the floor after pretending to have a seizure. Inmate McKinney failed to comply with that order force had to be used.

05/30/2015

WALKER, ORLANDA / Sergeant

Date

Arresting Officer Name / Title

5. I hereby certify that on this 31st day of May, 2015, at (time) 18:05:00, I have personally served a copy of the foregoing upon the above named inmate and I have informed the inmate of his/her right to present oral or written statement at the hearing and to present written questions for the witnesses.

NORWOOD, WILLIAM A

Inmate Refused to Sign

Serving Officer Name / Title

Inmate's Signature / AIS Number

6. Witnesses desired?

NO:

YES: Inmate Refused to Sign

Inmate's Signature

Inmate's Signature

7. If yes, list:

BELLE, BERTRAM W

MEANS, RALPH H / 00144313A

Pavlakovic, Dr.

8. Hearing Date: June 19, 2015

Time: 21:15:00

Place: Shift Office

9. Inmate must be present in Hearing Room. If he / she is not present, explain in detail on additional page and attach.

10. The Arresting Official, Inmate, and all Witnesses were sworn to tell the truth.

RUTLEDGE, ROBERT E

Hearing Officer Name / Title

11. A finding is made that the inmate is capable of representing himself / herself.

RUTLEDGE, ROBERT E

Hearing Officer Name / Title

12. Plea:

MCKINNEY, LEAVERT KENDREL / 00218159A

Not Guilty

13. Arresting Official's testimony (at the hearing):

On 5/30/2015, Correctional Sergeant Orlanda Walker gave inmate Leavert McKinney B/218159 a direct order several times to get off the floor after pretending to have a seizure. Inmate McKinney failed to comply with that order force had to be used.

14. Inmate's testimony:

This disciplinary is due process.

15. The inmate was allowed to submit question(s) to all witnesses. Copy of questions and answers are attached.



## Alabama Department of Corrections

DISC004

## DISCIPLINARY REPORT CONTINUATION BCCF-15-00928-1

403A Warden Decision

RUTLEDGE, ROBERT E

Hearing Officer Name / Title

## 16. The following witnesses were not called:

Witness: BELLE, BERTRAM W

Reason Not Called: Not Needed

Witness: MEANS, RALPH H / 00144313A

Reason Not Called: No Needed

Witness: Pavlakovic, Dr.

Reason Not Called: Not Needed

## 17. After hearing all of the testimony, the Hearing Officer makes the following findings of fact (Be Specific):

## The hearing Officer finds that:

The Hearing Officer finds inmate McKinney not guilty due to this disciplinary was not held ten days.

## 18. Basis for finding of fact:

The Hearing Officer finds inmate not guilty.

19. Hearing Officer's decision: ☐ Guilty ☒ Not Guilty ☐ Recommend for reinstitution

## 20. Hearing Officer's recommendation of sanction(s) to be taken against this inmate:

☐ Counseling / Warning☐ Extra Duty for \_\_\_\_ days at \_\_\_\_ hours per day under supervision \_\_\_\_ Shift☐ Loss of Outside privileges for \_\_\_\_ days☐ Loss of Canteen privileges for \_\_\_\_ days☐ Loss of Telephone privileges for \_\_\_\_ days☐ Loss of Visiting privileges for \_\_\_\_ days☐ Removal from Hobby Craft☐ Loss of Good Time \_\_\_\_ Yrs \_\_\_\_ Mos \_\_\_\_ Dys☐ Disciplinary Seg for \_\_\_\_ days☐ Recommend Custody Review☐ Recommend Job Change☐ Financial Compensation \_\_\_\_\_

## Community Based Institutions Only:

☐ Draw cut to \_\_ (min \$25) for \_\_ days☐ Restriction / State Whites for \_\_\_\_ days☐ Loss of Passes for \_\_\_\_ days☐ Return to Inmate Staff for \_\_\_\_ daysRUTLEDGE, ROBERT E

Hearing Officer Name / Title

21. Warden's Action - Date: 06/26/2015

Approved Deborah Toney

Disapproved \_\_\_\_\_

Other (specify) \_\_\_\_\_

## DISCIPLINARY REPORT CONTINUATION BCCF-15-00928-1

403A Warden Decision

22. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above named Inmate on this the 3 day of July, 20 15 at (time) 8:18 (am ☒ pm ☐)

23. H. J. Sargent CO  
Serving Officer Name / Title

L. A. McJ. 218159  
Inmate's Signature / AIS Number

Distribution: Original to Central Records Division  
Copy to: I & I (If Federal or State law violated)  
Inmate Institutional File  
Board of Pardons and Parole  
Sentencing Judge (if applicable)